

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ERIC L. JEFFRIES,	:	
	:	Case No. C-1-02-351
Plaintiff,	:	
	:	(Judge Beckwith)
vs.	:	(Magistrate Judge Hogan)
	:	
CENTRE LIFE INSURANCE COMPANY,	:	DEFENDANT'S MEMORANDUM
et al.,	:	IN RESPONSE TO PLAINTIFF'S
	:	MOTION FOR CONTINUANCE OF
Defendants.	:	TIME TO OPPOSE DEFENDANT'S
	:	MOTION AND MEMORANDUM
	:	IN SUPPORT TO EXCLUDE
	:	TESTIMONY BASED ON PET AND
	:	SPECT SCANS

Plaintiff has previously filed his Motion to Exclude the Testimony of Dr. Frey, which Defendant opposed, as well as his motion for continuance of time to depose Dr. Frey. Defendant does not oppose the motion to depose Dr. Frey out of time and has offered dates in December, 2003, which appear to be unacceptable. Defendant is willing to work with Plaintiff's counsel in setting a date for Dr. Frey's deposition. In light of this, Defendant agrees that Plaintiff should be permitted additional time to respond to the Daubert Motion regarding SPECT and PET scans. Defendant further proposes however that the Daubert hearing date of January 8, 2004 be reset so that all motions can be considered at the same time.

Defendant also disagrees with Plaintiff's statement that the continuance of the Daubert hearing will not impact a Rule 56 analysis in this case. Defendant has challenged the opinions of Mary Fuller, Dr. Geier, Dr. Hyde, Dr. Pretorious, and Dr. Weisbren. If these opinions are stricken, it will no doubt impact the Rule 56 analysis. Defendant therefore moves that any ruling on the anticipated dispositive motions be considered in light of the Daubert motions.

Respectfully submitted,

s/Peter M. Burrell

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Court by electronic means on this 5th day of January 2004. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Peter M. Burrell
Peter M. Burrell, Esq.

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